Amusements, Tectures, ele., This Chening.

UNION LEAGUE CLUB THEATER - Inaugural cere-ROOTH'S THEATER, Twenty-third-st., between Fifth and Skith-aves. - "Falsast" Backet.

FIFTH-AVE, THEATER, Twenty-fourth-st, and Fifth-re. - " Don Cazar de Bazan." " A Paor times." NEW-YORK THEATER.-"Le Voyage de M. Peri-

NIBLO'S GARDEN.- "The Little Detective." "An Object of interest." Lotts.

OLYMPIC THEATER .- "Under the Gaslight." THE TAMMANY .- "Bad Dickey."

WALLACK'S THEATER, Breadway and Thirteenth-at -- The Captain of the Watch -- Woodcock's lettle Game. Lester Wallack Wood's Museum, Breadway and Sthest, -From 9 . w. to 10 p. m. At 2. - Kentle ett. At 2. - The Bloodes."

NATIONAL ACADEMY OF DESIGN.—Day and Even-NEW-YORK CIECUS, Fourteenth-st.-Grand Pro-SAN FRANCISCO MINSTRELS.-Miscellaneous per SOMERVILLE ART GALLERY, No. 83 Fifth-ave.-

ABBOTT E. KITTREDGE: Spring-st. Church, near Variek at. " Bedouins of the Desert" JOHN B. GOUGH: Cooper Institute.—"Fact and

Sneiness Rotices.

REAL BRONZES JOSEPH RODGERS & SON'S ENGLISH TABLE COTLERY. HOLDAY GOODS EXTREMELY low PRICES. MERIDEN BRITANNIA CO.'S

ELLYRE-PLAYED GOODS,

DAVIS COLLAMORE & CO., Fire doors below Righth—through to Mercer at DECISION ON STEAM BOILERS.
The HAMILTON SAPERT BOILERS are saided the heat
toplosise at the Assertical featilitie Fatt, 1919, for

Reserves of Fred and

Americal Space.

A T. Stewart's

Love Power at A. T. Stewart's

Love Power at the Jersey City Sugar Reform.

John A. Colbran, Agent, O Morray of

John A. Colbran, Agent, O Morray of

Love Avindly DW Some spend their money in long, windy puffs who me most of ours in keeping up the quality of our goods, and this is who M. Dann's Pulmo Bronchtat. Thomass are approved over all ethers for Coughs, Colds, Hoarscores, Tickling, and all other threat and lang file. Depot, 45 Fourth-ave.

THROAT AFFECTIONS AND HOARSENESS,-All auffering from Irritation of the Thront and Hearseness will be agreeably surprised at the almost immediate relief afforded by the use of "Brown's BRONCHIAL TROCHES." The demulcent ingredients allay policebary irritation; and, after public speaking or singing, when the throat is wearied and weatened by too much exercise, their use will give renewed

WILBOR'S COMPOUND OF PURE COD LIVER if the fact that it is regularly prescribed by the medical faculty is ficient. For sale by A. B. Wiknon, Chemist, No. 108 Court-st., Bos o, and by all droggiets.

A GREAT OFFER.-HORACE WATERS, No. 481 tourway, will dispuss of the Hubbrell Plantes Low Princes For Carl tank, of six first-class makers, at extrements Low Princes For Carl to RING THE MOLIDAYS, or will take from \$5 to \$20 monthly until paid

HOLIDAY PRESENTS.—Save money in buying anomos by going apostairs. R. & H. T. ANTHONY & Co., No. 161 resilway, opposite Metropolitan Hotel. Starcoscopes, Views, Albuins.

A.—RHEUMATISM Legally Warranted Cured or money refereded. Dr. Firtuac's Great Vegetable Rheumalia Remoir; sizes inwarily. References, 17.757 cures. Principal depot, No. 704

WHEELER & WILSON'S SEWING MACHINES for sale, payable in installments without ex-the month. Broadway and Twenty-sixth-st. PREPARE FOR WINTER.—PATENT WEATHER

ARTIFICIALITIES - L'ALMER LIMBS. 678 Brandway, N. Y.; 1,609 Chestuut-st., Phila.; dt Green st., Beston

TERMS OF THE TRIBUNK.

DAILY TRIBUNE, Mail Subscribers, \$10 per annum. SEMI-WEEKLY TRIBUNE, Mail Subscribers, \$4 per an WEEKLY TRIBUNE, Mail Subscribers, \$3 per annum.

Advertising Rates. DAILY TRIBUNE, 25c., 80c., 40c., 60c., and \$1 per line. SEMI-WEEKLY TRIBUNE, 25 and 50 cents per line. WEEKLY TRIBUNE, \$2, \$3, and \$5 per line. According to position in the paper.

Terms, cash in advance.
Address, THE TRIBUNE, New-York.

Advertisements for this week's issue of THE WESELY TRIBUSE must be handed in To-Day. Price 32 per line.

UP-TOWN ADVERTISEMENTS.

For the accommodation of un-town resi-ents Mr. E. H. Brown has opened an office at No. 44 fest Thirty-second-st., junction of Broadway and Sixth-ve, where advertisements for The Tribune will be West Thirty-second-st., Junction ave., where advertisements for received up to 7‡ in the evening.

# New York Daily Tribune.

TUESDAY, DECEMBER 14, 1869.

At the reception of Mr. Peabody's remains on shipboard, the Minister of the United States made a speech in which he alluded to the naval honors to be paid by his Government. Messrs. Hugo and Louis Blanc have written eulogies of Mr. Peabody. - The opening speech of the Emperor of Austria announces important concessions, and promises that provincia autonomy will be respected as long as it is compatible with the unity of his empire. His relations with Europe are excellent. Count D' Eu's army have taken sev eral strongholds of the Paraguayans, among them Qurnguaty, with nearly 400 prisoners. - The Committees at the Roman Council will comprise in all 86 members, to be appointed by vote. - The Duke of Saldanha has rebelled in Portugal. - The Burlingame treaty with England has been ratified by China .--- Preparations for the departure of the Spanish gunboats are actively In the Senate, vesterday, bills were reported to perfect

the reconstruction of Georgia; to fund the maturing debt of the United States; and for defining the powers of the Supreme Court in certain cases, Mr. Drake of Missouri making a long argument in its support; a resolution to prevent the departure of the Spanish gunboats was laid on the table, but will be called up tomorrow. = In the House a resolution was adopted for the appointment of a special committee to investigate the causes of the extraordinary fluctuations in gold in this city in September last; resolutions were introduced for taxing United States bonds, and for the immediate resumption of specie payments, but, debates arising, they went over; three propositions for the admission of Virgima were introduced, and referred to the Reconstruction Committee: a resolution was adopted for an adjournment of both Houses from December 22 to January 5. The result of the election for Governor in Texas is said

to be doubtful, but the remainder of the Republican ticket is elected. ...... Mayor Shurtleff has been redlected in Boston. ==== An Assistant Assessor of Interna Revenue has been murdered in Jackson, Florida. ==== A locomotive exploded near Columbus, Ohio, seriously inturing three persons, - Gov. Campbell of Wyoming Territory has approved the Woman Suffrage bill, and it is now a law. - After four years' litigation, the Howland will case is about to be settled. —— Several murders have taken place near Stockton, Cal. —— Extensive fires have occurred in Cincinnati and Buffalo.

William Dickey is on trial at Hackensack, N. J., for the murder of Thomas Cahoun, whom he suspected of improper conduct with his wife. - Yorkville Police Court has been robbed of various weapons taken from criminals. - A swindle of half a million dollars upon Wall-st. is reported. - In the recent deaths by fire in Furman-st., Brooklyn, the jury censure the Board of Health and the Department. - Two policemen are under trial on a charge of robbing a countryman. - Wm. Hardinge, a brakeman, was instantly killed last night on the New-Jersey road in Jersey City. - Gold, 123, 1224. 1224. Temperature, 38, 41, 41, 35.

Gen. Garfield is doing his best to crowd the Census bill through, but the disposition in the kinds and changes them to \$10,000; abuses House to talk seems chronic and ineradicable, We present in other columns a careful exhibit of the present condition of the bill, with its | smart houses are swindled as easily as Jonavarious leading provisions.

Mr. Peabody's character, as the Cable assures as, has found new eulogists in MM. Victor Hugo and Louis Blanc-and no wonder. Mr. Peabody's benevolence was not of a theatrical kind; and though it was his fortune to behold

hoped his example would influence the world and Means. Gen. Merritt proposes the aboliafter his death, as it surely will; he thanked tion or radical reform of our present Ware God, as he once said in answer to a friend, housing system, whereby the Treasury is so that he had been enabled to do what he had done, and in all the honors paid to him he seems otherwise useless, and which opens many doors to have maintained that simplicity which keeps to boundless corruption, fraud and demoralthe world's worthies unspoiled by its loud

We are to have a Congressional investigation of the Gold conspiracy in Wall-st, If thoroughly made, this might reveal some interesting facts; but we have a well-founded fear that Congressional investigations of this sort cannot often be expected to amount to much.

Latest returns from Texas indicate the election of a Conservative majority in the Legislature. On Governor it is impossible to decide, as there are forty counties to be heard from. Both sides claim to be victorious. The Legislature chosen is in favor of the Fifteenth Amend-

Senator Wilson's bill to regulate the importation of Coolies seems to us to seek excellent results through insufficient or unsatisfactory means. We doubt especially whether the clause forbidding contracts at less than customary rates for the same kind of labor in the most favored parts of the United States, would be found practicable.

Dr. Shurtleff has been reëlected Mayor of Boston, and pretty nearly all the City Council are Republicans. The Democrats got out 4,197 votes, to 11,293 Republicans; Temperance got 312 and Labor Reform 197. It looks somewhat as if Boston was inclined to straight Republicanism; at least her voters know when they have got a good officer, and mean to keep him.

Senator Drake's speech in favor of his bill denying the right of the Supreme Court to declare a law of Congress unconstitutional, will attract wide attention. Whatever Mr. Drake says is sure to be said strongly and well, and to this extent, at least, his remarks will meet with general approval. For the rest, it need only now be said that he raises very grave questions, which his speech cannot yet be accepted as settling.

Once more we have a bill to abolish the franking privilege. We are not hopeful of its passage; and yet, if the men who are to pass upon it were not absolutely the only men in the United States not to be benefited by its passage, we should have no doubt whatever in the premises. This is a hard saying. Nothing more disgraceful could be attributed to Congress, yet no other intelligible reason can be assigned for its probable action.

The terrible case of fire-death in Brooklyn has passed before a Coroner's Jury, who think the fire was incendiary; that the suffering parties were innocent; that the buildings were dangerous places of residence, not having proper means of escape; that the Board of Health is censurable for not compelling the erection of fire escapes; that the lessees are censurable for allowing families to live in such dangerous quarters, and that the Fire Department of Brooklyn is not equal to the duty imposed.

Senator Carpenter yesterday submitted a resolution that the thirty gunboats ought not to be allowed to leave the United States during the continuance of the Cuban rebellion. Mr. Carment wish of nine-tenths of the American people. That people now asks whether, at worst, the gunboats are to be surrendered without an equivalent? Are they the price we have to pay for Cuban recognition?

Sheriff O'Brien's brother "Larry" has just been chosen Alderman for the Fifth-ave. District (Fourteenth to Forty-second-st. and Madison to Sixth-ave). The Fifth-ave. has just been paved with a nasty mess of tar and gravel that would disgrace a corduroy road in the Black Swamp. But it has been down nearly three months, and it is high time for another job; so the Common Council are pushing through a bill to have Fifth-ave. paved with some other sort of expensive stuff, which will be duly done, and the city will be made to pay the swindle. How do the Murray Hill and Madison-square people like their representative?

The conduct in relation to the gunboats of Mr. Freyre, the Peruvian Minister-who up to a late date has been on intimate terms with the Cuban Junta-is said to have been dictated from Lima at the instance of the Spanish envoy there. President Balta's constant annoyance from conspirators would have helped the envoy's case, were it not that he has a sharp way of getting rid of them, and can maintain himself without yielding to Spain. The nature of the representations made him by that country are to be imagined. The connection suggested to the Cuban mind between the thirty gunboats and the thirty pieces of silver will not the Southern peor, White or Black, are ever now be dwelt upon.

The one fatal objection to Senator Corbet's self-funding bill is that it proposes to postpone any reduction of the interest on our public debt for three years. Long before those three years shall have elapsed, we hope to see a large part of the present debt drawing only 41 per cent interest, and we believe it is in the power of the Government to secure this result. In other respects the bill is at least ingenious. It violates, however, a principle which has been steadily kept in view thus far in the management of the various loans of the Government. It makes a long loan (35 years), and secures no arrangement whereby the Government can redeem any part

of it before the expiration of that time. Wall-st, has been quite tame since the great gold cornering operation, but yesterday stagnation was stirred slightly. Our report states that "an unprincipled operator" ("unprin-"cipled" in Wall-st. is good) has fleeced the street to the amount of half a million. The story is very simple, and equally old. A dashing adventurer sets up business as a broker; he buys \$1,000 bonds of various the regular business men, gathers up what money he can, and leaves. Half-a-dozen than Green is taken in by Mr. Thimblerig at the race-course. Such are business shrewdness and professional sharpness in Wall-st.

We call the especial attention of all who take an interest in public affairs, to the suggestions of Gustom-House Reform prepared is included under the heads of taxes not direct,

were without the spirit of ostentation. He the request of the House Committee of Waysheavily depleted to pay regiments of officers tax on incomes of insurance companies, alization. He would also abolish or greatly limit Drawbacks on goods imported and then exported; and he would encourage American ship-building by a bounty on vessels built at as properly objects of taxation as any other our own ports, whether of foreign or domestic materials, instead of buying ships ready made in Europe or admitting foreign materials free of duty. All these suggestions are judicious and timely, and we commend them to the favor of Congress.

> The City Canyassers are overwhelmed with protests. Their doors are througed by men who hold proof that outrageous frauds have been perpetrated in recording the vote on the night of election. Tammany boasted safely when she said, "Let us have the canvassers, 'and it will be all right." Warned by the Brooklyn disclosures, they do not scratch, rewrite, or alter figures: they have the work properly done at once. For instance, Smith lacks 500 votes; he must be elected; the poll clerk at District 47 in the Twentyfifth Ward will hear the vote called-Smith, 100; Brown, 200; he must transpose these; the alteration will not be discovered for fortnight, and then we can swear it through. This mode of false entries did very well for Republican contestants; but those innocent darlings are out of the field, and the sweet-scented Democracy have it all to themselves. "Set a thief," &c. We hope they will have a good time.

> King Victor, having escaped death, has called Gen. Cialdini to form a new ministry, which we take to be a sign of his proper concern respecting the life and health of Italy. What scores of ministers, and what number of ministries have had an ephemeral existence in Florence, we cannot undertake to say; the Protean changes of Cabinets in that quarter will bear comparison with those of more dissipated Latin nationalities. It was high time that the King should take notice of the scandals committed by the Menabrea-Digny Ministry by removing

> "When rogues fall out," &c. We wish them

heads from the front of affairs. Their dismissal follows upon the bribery and corruption of the tobacco monopoly, the denunciation of the bribed and corrupt members by Major Lobbia, and, at last, upon the amazing conviction of this gentleman for simulated crime, he having been charged with shooting himself in order to make it appear that emissaries of the Government wished to assassinate him. The Italian Parliament has so far taken the part of its member, Lobbia, that it has resolved not to concede to the judicial authorities permission to execute the sentence against him until it has examined and approved their proceedings.

### HELPING THE POOR.

The laws of our country most wisely and righteously make the Public Lands free to actual settlers. Under these laws, any citizen, male or female, may settle upon any quarter section (160 acres) of the National Domain, and, by simply living on it five years and paying less than \$20 for the necessary papers, become the owner of that homestead. And there are still millions on millions of acres of good lands open to such preëmption and setpenter did not support his proposition by argu- tlement, not in one section only, but ment, or discuss neutrality, or state under what throughout three-fourths of the area of the circumstances the gunboats were released. He | Republic. And the rapid construction and genmerely announced the hearty and almost vehe- eral diffusion of Railroads has already brought with St. Petersburg by the great overland Rus-Colorado practically nearer to New-England than Western New-York was fifty years ago. Never did the poor man have such magnificent provision made for his primary want-a home-by any other government as is proffered him by ours to-day.

And now Mr. A. W. Powell, speaking in the Colored Labor Convention at Washington, propounds it as his opinion, "after talking with leading public men, that Congress could be induced to put into the hands of a Commission a considerable amount of money, to be loaned without interest in aid of those individuals or associations of landless poor in the South who might need aid such as that."

Now, we have not talked with "leading public men" on this subject; but we have held some intercourse with common folks, and they are utterly opposed to this pauperizing scheme. God made the land for the use of mankind, and it is simple equity (not alms-giving) to allot every landless man a piece of it. But voting money out of the Treasury "to be loaned without in-"terest" to such as need it-not one in ten of whom would ever repay it-is a horse of a very different color. It will not be done, for it would never answer. He who wants \$100 loaned him "without interest" to enable him to settle on a quarter-section freely given him will want \$100 more next year, and \$100 more the year after, and the more he gets the poorer and more helpless he will become. We have no money in the Treasury that can be spared for such a purpose, and never shall have. If to emerge from their poverty, it will be through the cultivation of manly self-reliance and a spirit that asks help of no man and no treasury. To lend them money "without interest" from the Treasury is to render them helpless and dependent evermore. Better tell them at once, "Take freely any quarter-section of "Public Land you find unclaimed and make a "home of it; but expect nothing more. 'Root, "'hog! or die!""

Chief-Justice Chase's opinion affirming the legality of the tax on State Banks is well calculated to answer any doubt raised in the case of the Veazie Bank of Maine. It moreover seems to us as comprehensive as it is masterly and direct. The objections brought before the is a direct tax, not apportioned among the States conformably to the Constitution; second, that the act imposing the tax invades a franchise granted by the State. To meet these propositions Mr. Chase cites the history of the various enactments of bank-note national usages of taxation since the formation of the Republic, and refers to a case in 1796 that the direct taxes mentioned in the Constitution comprehended only capitation taxes, taxes on land, and perhaps on personal propextends to all other objects, and such taxation

a direct tax-as, in fact, similar to the ready decided not to be a direct tax. On the second objection he concludes that franchises granted by a State are not necessarily exempted from taxation unless they give effect to some reserved State powers; for they are property.

THE TELEGRAPHIC CIRCUIT OF THE GLOBE.

We have had a number of Cable dispatches within the last few days, from which we may derive assurance that before a very great while we will be in telegraphic communication with China and Japan, as well as the East Indies and other parts of the Oriental world. Our readers are aware that the Great Eastern is at this time engaged in the work of laying a cable along the bed of the Arabian Sea and the Red Sea, between Bombay and Suez, a distance which will require a cable line of the length of 4,000 statute miles, or as great a length as the cable between France and this country. This line, in connection with the Alexandria and Malta line, already in existence, vill bring India into immediate communication with Europe-while we in this country will also, of course, be able to receive our daily dispatches of East India affairs.

Already preparations have been made for the extension of this line to China. We had a London dispatch last week announcing the formation of a company there to lay a submarine cable between Bombay and Hong Kong, and we know that this is but the carrying out of a project for which preparations were made some time ago. There is now no difficulty about obtaining capital for cable companies in London; and the English facilities for cablemaking and cable-laying have become so great that we may reasonably expect to see the Bembay and Hong Kong line in full operation before the close of the coming year. When, by this means, London is enabled to hold daily communication with the Chinese Empire, New-Yerk will of course enjoy the same privilege; and Koopmanschap in San Francisco will be able to telegraph to China for emigrants, not in a westerly direction, as ought to be the case. but by long easterly lines of wires and cables, via New-York, London, Malta, Suez, and Bombay to Hong Kong. The English have undoubtedly got the start of us, as well as of the rest of the world, in this matter of telegraphic communication with China and the countries of the Orient; and the English will undoubtedly derive the greater part of the advantages from the connection thus established. But we do not propose to worry over the matter. We ourselves will use the lines as much as we may need them in the meantime; and we are quite sure, in time, to have our own cables across the Pacific, as the precursors of a commerce certain yet to attain stupendous proportions.

We have, moreover, had the assurance, within the last few days, of the establishment of another cable line in another part of the world, that may also bring us into telegraphic communication with the Chinese Empire. Our St. Petersburg dispatch of Wednesday last announced that the Czar of Russia had granted the authorization to a company to lay a submarine cable connecting some point on the coast of Asiatic Russia with China and Japan-touching the Chinese territory, we suppose, at Shanghai, whence connections with the other Chinese ports will be formed by the lines of the American Company which has already received the necessary concessions from the Pekin Government. This Russo-Chinese cable will connect sias lines (not yet completed), and it will be quite possible for us to establish a connection between it and our American telegraph system. We are now engaged in extending our wires in a northerly direction along the Pacific Coast, and there is not the slightest doubt that they will advance till they have stretched across British Columbia and reached Alaska. From our telegraph stations there, it will not be a very difficult matter to lay a cable across the straits which separate our territory from that of Asiatic Russia, thus forming a connection with the Russo-Chinese line, and establishing telegraphic communication round the globe.

To observe that this will be the case when the projects now being prosecuted are comrleted, let us commence at any point of the circle Say we begin at New-York, from which we may move in either direction; but let us pass westwardly to San Francisco, northwardly to Alaska, across Behring's Straits to the Russo-Asiatic cable, which carries us to China; thence to Bombay by the projected English line; from there to Suez, Malta and London, and onward to our point of departure at New-York by the Atlantic Cable. Or suppose we take another point at the opposite side of the world-let it be Hong Kong, for example. The merchant or correspondent there can telegraph to New-York by two lines running in opposite directions. He can send his dspatch to us by way of Bombay, Suez, London and the Atlantic Cable; or he can send t to us by way of the Russo-Asiatic line, Alaska, San Francisco and the overland wires We trust that this Russo-Asiatic line, as well as the British Bombay line to China, will be constructed and brought into successful operation. Russia has great interests in China and a vast commerce with China. The establishment of this line of telegraphic communication would be of incalculable advantage to Russia. That t would also be of great advantage to us is inquestionable.

## HOPE FOR MEXICO.

Mr. Seward, in his triumphal march through Mexice, has made some discoveries where many who have gone before him found only revolutions and robbers, pronunciamientos and pulque. We knew something before of the unbounded natural wealth of our sister republic, and we felt a little acquainted with its people, the majority Chief-Justice were, first, that the disputed tax of whem we supposed to have Indian blood in their veins, and to be generally addicted to idleness, bull-fights, beggary and beer-or sometling stronger. Correspondents have often told of the towering mountain chains of Mexico, of its fertile valleys rich with tropical fruits and gorgeous with taxation since 1862, searches the opinions of tropical flowers; stately halls and crumbling the founders of the Constitution, reviews the Aztec ruins, hacienda life and its princely hospitality, quaint old cathedrals and dirty ragged worshipers, the plazas and the market places, wherein it was decided by the Supreme Court staging on the pampas, and mule riding over that the tax then on carriages was not a direct the mountains and through the barrancas-of tax, requiring apportionment, and it further all these we had had descriptions, though appeared from the opinion of Justice Patterson rarely have they been so graphic and entertaining as those given by our correspondent. To the Seward party, however, belongs the honor of discovering, in the very heart of this erty. Hence, the Chief-Justice proceeds to land of civil wars and earthquakes, charitable argue, the power to tax without apportionment | institutions and schools worthy of high commendation. Old Spanish and young American civiliza-

lected with constitutional uniformity. The tax and the lines of battle seem to be pitched in pears suggests, in telling the story of Falstaff in love. on bank circulation he classes under head of Guadalajara, the capital of the State of Jalisco. duties, as not, in the sense of the Constitution, The former is represented by the bull-fight, now prohibited in every other State of the Republic; and the latter by its hospitals, "the equal of which cannot be found on the Amer-'ican continent," its eighteen primary schools, its high schools, and its school of arts. These institutions are no more compatible than fire and water, and no one can doubt which of them is doomed. But the most wonderful thing is, not that there should be schools in Mexico, but that they should have taken such deep root in the short time that the country has enjoyed peace, and almost before the people have had time to begin to retrieve

their broken fortunes. When a State throws open its school-house doors to all, irrespective of race or condition, and teaches its children not only to read and to write but how to earn a living by honest toil, as well as that economy insures thrift and prosperity, and then sends them into the world not penniless but each with a little capital earned by himself, it has planted the seed that Mrs. Page, represented by Miss Fanny Morant should produce good citizens. There is hope and Mrs. Winter, merrily made and merrily carried should produce good citizens. There is hope for Mexico.

In the case of Real, convicted of the murder of Policeman Smedick, the Supreme Court refuses a new trial, Justices Clerke and Barnard agreeing, and Justice Cardozo dissenting. The opinion of the majority reviews the whole case, and disposes of the several points raised by the defense. One point is of especial importance. The Court says:

McGill, a witness for the prisoner, was asked to state what the deceased had said to him about the prisoner. This was professedly offered for the purpose of showing. with other facts, whether at the time of this occurrence the prisoner was justified by the circumstances in appreending danger from the officer. This presupposes that he mere apprehension of danger justifies the killing of the person from whom it is apprehended. I have no doubt that such an apprehension gives rise to many of those street shootings which occur so frequently in lawess districts. I need scarcely say the law has never sanconed any such conduct, but emphatically condemns and brands it as murder in the first degree. . . . The law justifies homicide only when an actual attempt has en made to murder the person committing it, or to commit any felony upon him, when, at the time of the attempt, there is reasonable ground to apprehend a design to commit a felony, or to do some great personal njury, and when there is imminent danger of the accomishment of such design. But apprehension of a previous threat, followed by no overt act, does not jusify homicide.

The other points are chiefly technical, and in all of them the Court holds that the trial must be sustained.

Justice Cardozo believes that a new trial should be granted, because evidence showing the animosity of the deceased to the prisoner was excluded; that there might have been an assault by Smedick upon Real at the time of the murder; that the fact of one of Real's witnesses having been in the penitentiary unduly prejudiced the jury against that witness's testimony; that the case was so presented to the jury that they were bound to convict either of murder or manslaughter in the fourth degree, and that had they been at liberty to consider it manslaughter in the third degree the result might have been different. The ruling of the Court, however, is final, unless the case goes to the Court of Appeals, which is not probable. Real's life, therefore, is in the hands of Gov. Hoffman.

The Sun appends to Mr. Greeley's card, correcting a few of the misrepresentations in its reporter's account of an interview with him on the Richardson case, the following:

"The report of the conversation with Mr. Greeley was rought to this office by Mr. Isaac G. Reed, jr., whose ame was signed to it, and who stated at the time that Ir. Greeley wished him to sign his name to it whenever a should publish it."

We recur once more to this subject only to say that the representation above attributed to this reporter is, if possible, more false than his other averments. We may add that Mr. Beecher writes to us contradicting certain statements about him made by the same reporter. We have studiously refrained hitherto from noticing the monstrous calumnies concerning this sad case under which many newspapers have staggered-the shameless inventions, the garbling of evidence, the deliberate libels ;--and we do not believe that we can again be tempted from our resolution. Our readers already know the truth; the judicial proceedings will in due time reveal it to others.

Holiday presents are the order just now. The Aldermen are sedulously searching for such clerks and other city officials as do not get over ten dollars a day for doing nothing (except voting), and thrusting into their unwilling hands little Christmas presents in this form: One Thousand Dellars each to the Commissioners of

the Sinking Fund. One Thousand Dollars each to the Presidents of the Boards of Aldermen and Assistants.

These are only specimens. Not one-fifth of hese "donations" ever come to light. There will be a hundred thousand dollars stolen from the public purse within the next three weeks to be distributed among the favorites of the City Hall magnates. The rope is long; the slack is easy; but there will be an end to it-and then!-well, we shall see.

Symptoms of Congressional absenteeism are already numerous and discouraging. There were votes, and important votes, taken in the House last Friday, for instance, while sixty members were out of their places. This is a swindle which the public has a right to resent. These gentlemen are paid, and handsomely paid, under a contract between themselves and the people, to do a certain kind and amount of work, and they are as much bound to attend to that work as if they had been engaged to dig potatoes at four-and-sixpence a day. This is rather a bold way of putting the matter; but if honorable members (by courtesy) will not be honorable in fact, it is necessary that they should be reprimanded, and in these columns, at least, they shall be.

## THE DRAMA.

BOOTH'S THEATER. Shakespeare's comedy of "The Merry Wives of Windsor" was presented at Booth's Theater last even ing. It is well known for a boisterous, rollicking work, in which a great deal of sport is extracted out of an indelicate subject. To present Falsiaf" in love" was to present a coarse nature in pursuit of its animal enjoyments. The spectacle is not pleasant. Shakespeare, however, could treat no subject without giving it due embellishment of sense, thought, wit, character, sentiment, romance, and other excellent qualities; and his Merry Wives of Windsor"-though done to order, as Shakespearean scholars tell us-is not wanting in sterling literary virtues, that almost make us forget its grossness. The characters of Shallow and Stender, for example, are among the most completely drawn and colored of the humerous personages in Shakespeare; Falstaff's own wit is seen to amble very nimbly, in such incidental discourse as he utters on his amatory misfortunes; and the invention exercised throughout the piece is delightfully sharp and brightshowing how much can be wrought by genius, out of the implest expedients. But perhaps the brightest quality of the comedy is the delicious pastoral atmosphere in which its story is wrapt. Old English civilization seldom appears so cheery and hospitably substantial as in the his own monument while living, his charities by Gen. Merritt, Naval Officer at this port, at | duties, imports, and excises, to be laid and col-

England's Virgin Queen is said to have greatly likes "The Merry Wives," when she saw it acted at Windsor Castle, in the far-off time. And yet it must have been very clumsily done; for, apart from the fact that only the very rudest of stage appliances were then available, the characters in the play had not been apprehended and brought out into that graphic distinction with which ripe study has, in latter years, endowed them. How much-how very much-time has done for the stage and for acting was again indicated in the representation of this Shakespearean comedy at Booth's Theater last evening. Elaborate and sumptuous scenic embellishment is customary at this theater, as every one knows, and it becomes, therefore, superfluous to say that " The Merry Wives of Windsor" was well appointed in all respects. In most respects, we are able truthfully to add, it was well acted. And a good audience, in point of numbers, expressed its appreciation of the care and toil and talent bestowed upon the performance. A great deal of these went to the effect produced. Mr. Hackett's Falstaff aroused abundant laughter -due not less to the comedian's faithful and effective expression of the rich humor of the character than to the milierous situations into which the fat knight is entrapped by the merry and wily wives. Ford and Page were most efficiently played-the one with all needful impetuosness, the other with all needful moderation, by Mr. Hamilton and Mr. Sheridan. Mrs. Ford and forward the plot against Sir John. Mr. Waller gave a capital portrait of swaggering Pistol. Mr. Norris showed careful, intelligent study as Slender, combined with an apt perception of the essence of the character-which is a sort of lamb-like docility and stupid concelt-and much nore self-command, as well as control of the resources of art, than we have yet seen him manifest in the method of working out his ideal. These character-parts afford the best of tests for young players-taking them necessarily out of their own individuality, and allowing them to sink their mannerisms and their crudity. The younger members of Mr. Booth's company often show defects, but they have the great virtue of devoted carnestness-and this, in a school of acting, is both an essential motive and a crowning excellence .- "The Merry Wives of Windsor" will be played every evening at Booth's Theater until further notice. Mr. Hackett's engagement will extend to Christmas night.

#### FIFTH AVENUE THEATER. In the conduct of affairs at the Fifth Avenue

Theater, Mr. Daly has reverted to an old-time practice. He changes the bill almost every night, and sets all idea of long "runs" out of the question. This is a good policy, to a manager who is alone in it, except-as we have already intimated-when applied to Shakespeare. The works of that great poet are not to be successfully tossed with a pitchfork, upon any stage. With lighter plays, this Prince Rupert spirit of enterprise can deal successfully; and many such pieces have been neatly and brightly done at the Fifth Avenue Theater. Mr. Daly has as pretty a stage as any in the land; a stage manager-Mr. Harkins-who is among the hardest workers in that hard-working craft; and a talented company. And we are glad to notice that this elegant little house is steadily and surely growing in the favor of the cultivated classes of this community. Its claims were further made manifest, last night, by a spirited representation, which was given there, of "Don Cæsar de Bazan." The play requires no present description, and it certainly inspires no particular line of reflection. Very extraordinary acting is needed, in this piece, to make the drama stimulative of very careful thought. No such acting illustrated the play, last night, at the Fifthave. Theater, but several clever people united in giving brisk interpretation to a dashing comedy, and so wrought out an agreeable and commendable result. The cast of parts was judiciously made. Mrs. Chanfran was to have cted Maritana, but illuess prevented her from appearing, and the part was gracefully filled by Miss Agnes Ethel. The Don Casar was Mr. E. L. Davenport-whose real greatness is in tragedy and not in comedy, but who, nevertheless, handles comedy character with the power and the grace of a true and ripe artist. Mr. Davenport's Don Casar is manly, soldier like, dashing, and well-flavored with humor, and it aroused frequent bursts of laughter and applause. In the semi-farce parts of the Marquis and Countess de Rotundo, Mr. Davidge and Mrs. Gilbert made a great deal of sport. Upon the miscellaneous acting there is no call to linger. The house was about half filled. "Don Casar" again to-night-when it will work and act more smoothly, and when, we trust, the attendance will be larger.

### POLITICAL. GEORGIA.

A REPLY TO CONGRESSMAN TIFT-GEN. TERRY DENOUNCED.

IBY TREEGRAPH TO THE TRIBUNE! ATLANTA, Ga., Dec. 13.-Gen. Morgan, a leading Democratic member of the Georgia Legislature, has published a rejoinder to Congres

which he says: "Neither the Senate or House intended to submit the question of the eligibility of colored members to seats in the Legislature to the Supreme Court. The present the Legislature to the Supreme Court. The present Legislature never will reseat negroes, nor will it pass the Fifteenth Amendment. These are settled fact. For myself, I have been a submissionist as long as I intend to be, and have gone as far as I intend to go to gratify the unhallowed will and domineering spirit of a corrupt Congress."

The Democratic papers quote the above as a manly sentiment, and having the ring of true metal. Gen. Morgan occupies the seat of an expelled negro member. The Ku-Klux press denounce Gen. Terry as an infamous liar, and advocate making the State too hot to hold the friends

of the Administration. An attempt was made to assassinate the Hon. S. A. Darnell and the Hon. Peter O. Neill, Republican members of the Legislature, at Milledgeville a few days since.

## TEXAS.

THE VOTE FOR GOVERNOR SAID TO BE DOUBT-

NEW ORLEANS, Dec. 13 .- A special dispatch from Houston, Texas, says: Returns from eighty seven counties have been received. Hamilton's majority in forty-five counties is 8,970; Davis's majority in forty-two counties is 12,322. There are forty counties to be heard from, in which the registered white vote is 16,454 and the registered colored vote 9,233. The Legislature, as far as heard from, stands: Senate-Conservative, 13; House-Conservative, 41. Senate-Republican, 12; House-Republican. 31. The vote for Governor is still doubtful, but, with that exception, the cutire Republican ticket is elected. Hamilton's friends claim his election by two thousand. Armstrong and Conners (Conservative) are believed to have been elected to Congress.

## KENTUCKY.

THE ELECTION FOR UNITED STATES SENATOR. LOUISVILLE, Ky., Dec. 13 .- The election for U. S. Senator will take place at Frankfort to-morrow. It is reported that Mr. McCreery, the present incumbent, will surely be returned.

#### MASSACHUSETTS. CHARTER ELECTIONS.

Boston, Dec. 13 .- The following is the vote of Boston to-day for Mayor: Shurtleff, 11,293; Baldwin (Dem.), 4,197; Chase (Labor Reform), 197; Johnson (Temperance), 312. Majority for Shurtleff, 6,587. The City Council will be largely Republican. Edwin Walden, Citizens' candidate, was elected Mayor

of Lynn to-day. William H. Kent, the Anti-Annexation-to-Boston candi-

date, was elected Mayor of Charlestown to-day by a few hundred majority, Robert Couch (Rep.) was elected Mayor of Newburyport. Mayor Blake (Rep.) was reelected Mayor of Worcester by a large majority.

### LOCAL POLITICS.

The German Independent Central Organization last evening resolved to contest the election of the Civil Justice of the IVth District, and a collection was

The 1st Assembly District Republican Organiration at their meeting last evening, received the treasurer's report, and passed a vote of thanks to the officers for their services during the past year.

The Union Republican General Committee met last evening to close up the business of the current year. The report of the Executive Committee was re-ceived and adopted. The remainder of the proceedings were entirely of a routine character.

The XVIth Assembly District Union Republican Associatian (Twenty-second-st.) met last evening at Demilt Hall, Mr. John Falconer in the chair, to make arrangements for the new enrollment, to take place on Thursday and Friday evenings. The three General Com-mittees have appointed a Joint Committee of twelve to secure the union of the several organizations, and all are to be eurolled in one body in each district.

The XIIIth Assembly District Republicans met, last evening, corner Eighteenth-st. and Eighthave., Major J. H. Meek in the chair, Mr. C. H. Heyser ave., Major J. H. Meek in the chair, are acting as Secretary. The Executive Committee reported the financial condition of the Organization as satisfactory, and a surplus in the hands of the Treasurer. A committee was appointed to inquire into the change of cannot be considered to the change of cannot be considered to the recurred ment in the District, which will take place